

PAUL R. WATKINS (1899 - 1973)
DANA LATHAM (1898 - 1974)

CHICAGO OFFICE

SEARS TOWER, SUITE 5800
CHICAGO, ILLINOIS 60606
PHONE (312) 876-7700, FAX 993-9767

HONG KONG OFFICE

SUITE 2205A, 22ND FLOOR
NO. 9 QUEEN'S ROAD CENTRAL
HONG KONG
PHONE + 852-2522-7886, FAX 2522-7006

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HJ ENGLAND
PHONE + 44-171-374 4444, FAX 374 4460

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
PHONE (213) 485-1234, FAX 785-1233

MOSCOW OFFICE

ULITS A GASHEKA, 7, 9TH FLOOR
MOSCOW 123056, RUSSIA
PHONE + 7-095 785-1234, FAX 785-1235

NEW JERSEY OFFICE

ONE NEWARK CENTER, 16TH FLOOR
NEWARK, NEW JERSEY 07101-3174
PHONE (973) 639-1234, FAX 639-7298

LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W.

SUITE 1300

WASHINGTON, D.C. 20004-2505

TELEPHONE (202) 637-2200

FAX (202) 637-2201

ORIGINAL

NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4802
PHONE (212) 906-1200, FAX 751-4864

ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925
PHONE (714) 540-1235, FAX 755-8290

SAN DIEGO OFFICE

701 "B" STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8197
PHONE (619) 236-1234, FAX 696-7419

SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111-2562
PHONE (415) 391-0600, FAX 395-8095

SILICON VALLEY OFFICE

135 COMMONWEALTH DRIVE
MENLO PARK, CALIFORNIA 94025
PHONE (650) 328-4600, FAX 463-2600

SINGAPORE OFFICE

20 CECIL STREET, SUITE 25-02
THE EXCHANGE, SINGAPORE 049705
PHONE + 65-536-1161, FAX 536-1171

TOKYO OFFICE

INFINI AKASAKA, 6-7-15, AKASAKA, MINATO-K
TOKYO 107-0052, JAPAN
PHONE + 813-3423-3970, FAX 3423-3971

File No. 025223-0000

December 4, 1998

HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED

DEC - 4 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Waiver for Petition of TTY Requirement
on Behalf of Triton Communications, L.L.C.

Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911
Emergency Calling Systems
CC Docket No. 94-102, RM-8143

Dear Ms. Salas:

Triton Communications, L.L.C. ("Triton"), pursuant to the Commission's *November 13 Further Order*,¹ hereby submits a petition for waiver of Section 20.18(c) of the Commission's rules. Thank you.

^{1/} *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced*

LATHAM & WATKINS

Ms. Magalie Roman Salas

December 3, 1998

Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ashok Ramani". The signature is fluid and cursive, with the first name "Ashok" and last name "Ramani" clearly distinguishable.

James F. Rogers

Ashok Ramani*

of LATHAM & WATKINS

*Not admitted in the District of Columbia

Attachment

911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, *Order*, DA 98-2323 (rel. Nov. 13, 1998) ("*November 13 Further Order*").

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DEC - 4 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
)

TRITON COMMUNICATIONS,)
L.L.C.)
)

Petition for Waiver of Section)
20.18(c) of the Commission's Rules)
_____)

PETITION FOR WAIVER

Triton Communications, L.L.C.¹ ("Triton"), by its attorneys, hereby submits this Petition for Waiver of Section 20.18(c) of the Commission's Rules, which requires that all carriers of broadband communications services be capable of transmitting 911 calls from speech or hearing impaired individuals through Text Telephone Devices ("TTDs").² The Commission recently suspended the enforcement of Section 20.18(c) for 911 calls made from TTDs using digital wireless systems until December 31, 1998, and established a waiver mechanism for

¹ Triton Communications, L.L.C. is a wholly-owned subsidiary of Triton Cellular Partners, L.P.

² 47 C.F.R. § 20.18(c).

carriers unable to comply with Section 20.18(c) by January 1, 1999.³ Petitions for waiver of Section 20.18(c) must be received by the Commission no later than December 4, 1998.⁴

Triton provides⁵ cellular radio telephone service on a subscription basis in a number of markets in the Pacific Northwest and Southeast regions of the country. Triton has deployed analog services in all of its markets; the services provided in these markets are currently in compliance with Section 20.18(c). Triton also provides a digital cellular service overlay to analog cellular service in two⁶ Rural Service Areas⁷ (the "Dual Markets"). The analog cellular services provided in the Dual Markets are currently in compliance with Section 20.18(c). The digital cellular services provided in the Dual Markets will be unable to comply with Section 20.18(c) as of January 1, 1999. Hence Triton requests a waiver solely for the digital cellular services provided in the Dual Markets.

The *Further Order* established three elements that Petitions to Waiver of Section 20.18(c) must address.⁸ The Commission has also imposed a notification requirement upon

³ See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order, DA 98-2323 (rel. Nov. 13, 1998) ("*Further Order*").

⁴ *Id.*

⁵ Triton holds the FCC licenses to provide cellular radio telephone service in a number of Rural Service Areas. Triton's affiliates actually provide the cellular radio telephone service in the licensed areas.

⁶ Triton may deploy digital cellular services overlays in other markets in the future. If and when such deployment occurs, Triton will notify the Commission and take appropriate steps to amend its waiver to include such markets if the digital wireless systems are unable to accept 911 wireless calls from TTDs.

⁷ The two rural service areas are Oregon-4-Lincoln and Washington-2-Okanogan. Cellular radio telephone service is provided in the rural service areas by Triton affiliates Triton Cellular Partners of Lincoln L.L.C. (Call Sign KNKN231) and Triton Cellular Partners of Ferry L.L.C. (Call Sign KNKN248), respectively.

⁸ See *Further Order* at ¶ 4.

carriers that receive waivers.⁹ Following is Triton's discussion of the three Petition to Waiver elements and the notification requirement.

- a. **Triton is taking and intends to take further substantial steps to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones.**

Triton employs analog and digital systems manufactured by Ericsson Inc. ("Ericsson"). Triton has communicated to Ericsson that digital wireless systems users cannot employ TTDs to make 911 calls. Triton has also spoken with and indicated a willingness to work with the Cellular Telecommunications Industry Association ("CTIA") to help find a technical solution to the current incompatibility between digital wireless systems and TTDs. Triton intends to continue both of the above efforts until a solution can be found.

Currently, in the Dual Markets, subscribers that employ dual-mode wireless telephones can enable their telephones to access only analog wireless services. Such users can then employ TTDs to access analog wireless services. Once a solution to the current technical incompatibility between digital wireless systems and TTDs is found and implemented, Triton will notify such subscribers (via the notification procedures described below) to re-enable their wireless telephones to function with both digital and analog services.

- b. **Triton intends to permit digital wireless users to employ TTDs as soon as the current technical incompatibility between digital wireless systems and TTDs is resolved.**

Triton does not manufacture the digital wireless equipment used in the Dual Markets, but purchases its digital systems from Ericsson. As described above, Triton has

⁹ *See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Memorandum Opinion and Order, 12 FCC Rcd 22665 (rel. Dec. 23, 1997).

communicated its concern over the technical incompatibility between wireless digital systems and TTDs to Ericsson. The Commission has acknowledged the technical incompatibility between digital wireless systems and TTDs and the unlikelihood of an imminent solution.¹⁰

Triton relies upon Ericsson and the rest of the digital wireless systems manufacturing industry to create solutions to problems with digital systems; the maximum possible extent of Triton's involvement in such situations is simply to point out the problems and work with Ericsson toward a solution. The current technical incompatibility between digital wireless systems and TTDs is no different; Triton has informed and will continue to inform Ericsson of the urgent nature of the problem and need for a solution.¹¹

c. Triton will emphasize to Ericsson the importance of the thirteen consumer concerns identified by the Commission.

Triton will stress in its continued communications with Ericsson the importance of the thirteen consumer characteristics identified by the Commission in the September 30 order ("Consumer Concerns").¹² Triton will also request from Ericsson that any solution to the digital

¹⁰ See, e.g., *Further Order* at ¶ 5 ("...users of TTY devices will not be able to operate such devices in conjunction with digital phones at any time in the near future.").

¹¹ The *Further Order* instructions for Petitions for Waiver call for "well-documented timetables and milestones" regarding TTD and digital wireless system functionality. See *Extension Order* at ¶ 4. The Commission has provided virtually no guidance regarding the definition of and required format of the "timetables" and "milestones." See generally *Further Order*. As described above, Triton already has and will continue to do all it can to inform its digital wireless systems manufacturer of the incompatibility. The only relevant "timetable" is the time needed to overcome the current technological limitations facing digital wireless systems manufacturers striving to find a TTD solution; the only relevant "milestone" is the discovery of a solution to the current incompatibility between TTD and digital wireless systems.

¹² See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order, DA 98-1982 (rel. Sept. 30, 1998).

wireless systems and TTD incompatibility incorporate to the extent feasible the Consumer Concerns. Triton will also have Ericsson accommodate any Consumer Concerns that are not addressed by a general solution to the digital wireless systems and TTD incompatibility as soon as possible.

- d. Triton will make every reasonable effort to notify current and potential subscribers of the current technical incompatibility between digital wireless systems and TTDs.**

Triton will employ inserts in billing statements to inform current subscribers in the Dual Markets of the unavailability of TTDs on the digital cellular services overlay. Triton will also take whatever additional steps are reasonably available to ensure effective notification..

Triton's ongoing and proposed working relationships with Ericsson and CTIA, along with Triton's notification procedures described above, amply demonstrate that Triton is taking all reasonable steps to comply with Section 20.18(c) for digital wireless systems. Based on the foregoing, Triton urges the Commission to grant its Petition for Waiver of Section 20.18(c) of the Commission's Rules until a technically feasible solution is found to the current incompatibility between digital wireless systems and TTDs.

FROM LATHAM & WATKINS WASH DC #3

(FRI) 12. 4 '98 12:55/ST. 12:53/NO. 4261478957 P 7

December 4, 1998

Respectfully submitted,

Triton Communications, L.L.C.



Glen Robinson
Vice President - Engineering
375 Technology Drive
Malvern, PA 19355
ph: 610.722.4485

James F. Rogers
Ashok Ramani
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W., Suite 1300
Washington, D.C. 20004-2505
202.637.2200
Attorneys for Triton Communications, L.L.C.

*Not admitted in the District of Columbia

December 4, 1998

Respectfully submitted,

Triton Communications, L.L.C.

Glen Robinson
Vice President - Engineering
375 Technology Drive
Malvern, PA 19355
ph: 610.722.4485

A handwritten signature in cursive script, reading "Ashok Ramani".

James F. Rogers
Ashok Ramani*
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W., Suite 1300
Washington, D.C. 20004-2505
202.637.2200
Attorneys for Triton Communications, L.L.C.

*Not admitted in the District of Columbia